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10<sup>th</sup> May 2022

Dear Mr M. Birkinshaw,

## Examination of the Tunbridge Wells Borough Local Plan – Response to Matter 4 (Issues 1 and 3)

CBRE is instructed by Dandara in respect of their land interests within the Tunbridge Well Borough Local Plan (hereafter ‘the Plan’). With specific reference to the proposed allocations within the Plan their interest includes:

- **STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood (‘Paddock Wood’);**
- **STR/HA1 / AL/HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst (‘Hawkhurst’);**
- **STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough (‘Southborough’).**

Dandara also hold interest at **AL/RTW16 – Land to the West of Eridge Road at Spratsbrook Farm (‘Spratsbrook Farm’)** and representations in respect of this site are submitted by Barton Willmore.

Dandara also have interest in the Land East of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (‘Sissinghurst’) which for the purpose of the Plan is an omission site.

### **Response to Matter 4, Issue 1 – Principle of Green Belt Release (Question 5)**

Q5. Not all of Tunbridge Wells is within the Green Belt. Could the need for new housing and employment therefore be met by developing beyond the existing Green Belt boundary? If not, why not?

The reason for this is most simply presented with reference to Figure 1 (over the page). Tunbridge Wells Borough is heavily physically constrained – aside from the 22% of the borough designated as Green Belt, 69% is AONB, with 5,321 ha of Green Belt land (out of 7,134 ha) also being within the AONB. Moreover, the majority of the Green Belt wraps around the main sustainable urban area of Royal Tunbridge Wells and Southborough, around Pembury and the area to the east of Tonbridge/west of Paddock Wood (located within Capel parish), the eastern boundary immediately adjoining the existing western developed boundary of Paddock Wood. The spatial distribution of the Green Belt within Tunbridge Wells is therefore in a tension with the requirement of Paragraph 105 of the NPPF (2021) – i.e. to not utilise Green Belt land would result in a significant amount of development being prioritised in locations that are unsustainable and likely to increase car dependency.

The NPPF at Paragraph 176 provides clear direction for considering growth within the AONB stating that the scale and extent of development within these designated areas should be limited. Major development can be allowed in AONB where it is demonstrated in the public interest.

Thus whilst there is a clear need to support some development in these areas so support the vitality and sustainability of these communities, they should not be prioritised for areas where a significant amount of local plan growth should occur. As will be picked up in more detail in our response to **STR/HA1 / AL/HA4** there is nothing to prohibit some site allocations in the AONB, however, for the purpose of responding to Question 5 it is clear that the NPPF sets a clear direction that the in considering the Plan as a whole it would be inappropriate for development in the AONB to establish a ‘primacy.’

The existing Green Belt restricts the natural growth and expansion of key settlements, particularly the Main Urban Area (representing those areas within the existing highest levels of access to services) comprising Royal Tunbridge Wells and Southborough, where most housing and employment growth should be directed to and concentrated in accordance with the Council’s Development Strategy (**Core Document 3.64**) and Settlement Hierarchy (**Core Document 3.72**). The Council’s Local Plan therefore promotes the use of land in sustainable locations first and is underpinned by robust strategies (**Core Documents 3.64** and **3.72**) which are in accordance with the NPPF.

With the clear need in the NPPF (2021) to promote sustainable development, to do this without the release of land from the Green Belt would result in significant development being inappropriately located in lower tier settlements (such as Frittenden, Goudhurst) which either do not have the necessary highway or social infrastructure to support such growth and/or are located in sensitive landscape and ecological contexts e.g. AONB where new development could cause detrimental harm that could be caused to the sensitive landscape character and ecological value of the open countryside / AONB. Further consideration of this is given in respect of Question 1 below.

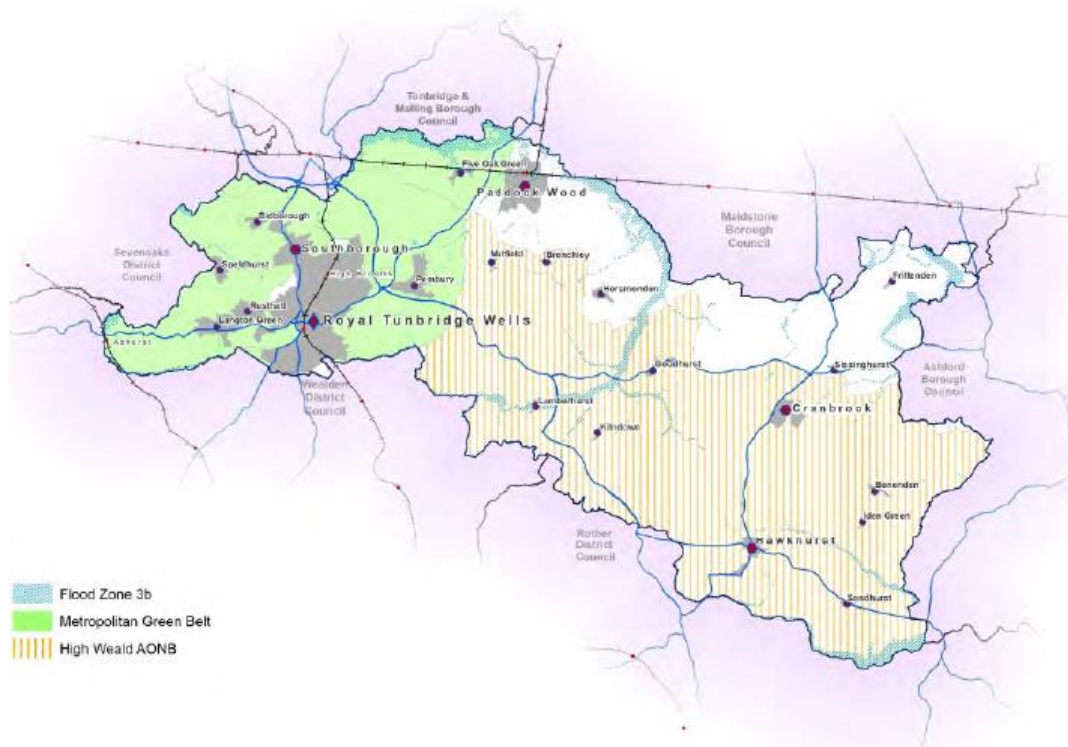


Figure 1: Tunbridge Wells Borough Local Plan: Submission Version (**Core Document 3.128**) Borough Overview Extract

**Response to Matter 4, Issue 3 – Exceptional Circumstances (Questions 1 and 2)**

Q1. At a strategic level, do exceptional circumstances exist to alter the Green Belt boundary, having particular regard to paragraphs 140 – 143 of the Framework? If not, how could housing and employment needs be met in other ways?

Yes. In terms of what matters should be considered in relation to exceptional circumstances particular the case of *Calverton Parish Council v Greater Nottingham Councils* [2015] EWHC 10784 is particularly relevant. This remains the latest available case law on the matter of exceptional circumstances. It sets out that the planning judgements involved in the consideration of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) of the Planning and Compulsory Act 2004 should, at the very least, identify and grapple with the following matters;

- (1) the acuteness/intensity of the objectively assessed need (matters of degree may be important);
- (2) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;
- (3) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;
- (4) the nature and extent of harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and,
- (5) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonable practicable extent.

In respect of (1) the acuteness/intensity of the need for housing has been well established and is not repeated in detail here. **CD3.73** sets out the Council’s evidence with respect to the acuteness of the affordable housing need. Notably, at Paragraph 3.15 it sets out the Council’s average waiting lists for affordable housing. For a 3 or 4 bed house this is a wait of over 3 years and 4 years respectively. On such statistics it is clear that there is an acuteness in the need that is not currently being provided for.

The Table below shows the change in the medium level of affordability over the last 10 years – demonstrating the significant levels of unaffordability within the area.

2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
9.26	8.7	8.91	9.94	10.98	12.05	13.45	12.71	12.49	13.35	15.42

Source: See Footnote<sup>1</sup>

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<sup>1</sup> <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingaffordabilityinenglandandwales/2021>

In respect of (2) this is well documented and not repeated in detail here. Tunbridge Wells borough is constrained by the extent of the AONB. Point (3) is very relevant in the context of Tunbridge Wells. Key centres (whether located in Tunbridge Wells or not) follow the A21 with a strong ‘western influence’ to where the areas major regional hubs of employment and services are. This overlaps with where the Green Belt is concentrated. To prioritise development away from the Green Belt would result in significant level of developments in the rural villages of the AONB and be in conflict with Paragraph (105) of the NPPF (2021).

On (4 & 5) and with specific reference to the land proposed for release to the South-West of Paddock Wood, the residential development is contained to areas in which the Council’s Green Belt assessment confirms a moderate role. With cross reference to our response to Matter 6 and our response to Question 2 below, the redrawing of the Green Belt Boundary in Paddock Wood would have the benefits of ensuring that it endures for the long term. The existing Green Belt boundary is very tightly drawn with the urban edge drawn hard against the Green Belt. The allocation of the site will allow for a redrawing of the boundary to ensure that it establishes in the longer term with key direction in the policy to provide mitigation in the form of structural landscaping and compensatory improvements to the remaining Green Belt to seek to reduce the impacts arising.

There is significant overlap with regards to the approach of Calverton and the updated Paragraph 141 of the NPPF (2021). Paragraph 141 of the NPPF (2021) sets out the approach that the Council should follow before concluding that Exceptional Circumstances exist. This is paraphrased below:

- a. Make as much use of brownfield land as possible;
- b. Seek to ensure that densities for proposals maximise the contribution made by brownfield land;
- c. Identify opportunity for neighbours to help meet needs.

In respect of (a), Page 26 of **CD3.126** clearly sets out the approach that the Council has taken in respect to exhausting brownfield options. It is relevant to note that the historic and existing Development Plan contains limited Green Belt release with previous strategies being able to pursue development largely within the established urban areas/ outside of the Green Belt. In having pursued such an approach historically this, going forward, has limited the amount of significant supply that can be taken from this source and is reflective of where the Council now finds itself as it seeks to plan for future development needs.

In respect of (b), through **CD3.126** there is clear evidence of the Council having done this. It is important to note that there is a significant heritage context to Royal Tunbridge Wells which limits the extent to which transformational densities could be considered as appropriate. In addition, for brownfield opportunities in the smaller towns and villages a number of these will either be washed over or within the setting of the AONB which demands a considered response to allocating appropriate densities.

In respect of (c) the spatial geography of the wider area is such that the immediate neighbours to Tunbridge Wells are even more constrained, in Green Belt terms, that they are. As such, this significantly limits the extent to which opportunities exist to be able to ‘export’ development needs. The approach that the Council took in respect of this is set out in their response to Matter I.

Q2. What is the justification for the new area of Green Belt proposed to the southwest of Paddock Wood? Do the exceptional circumstances exist necessary to justify this alteration to the Green Belt boundary?

Yes. The Council’s Development Strategy Topic Paper (**CD.126**) (October 2021) at Page 60 clearly sets out the Local Exceptional Circumstances case for the release of Land at Paddock Wood (including land in east Capel). This is summarised as follows with our supplement text included below to further develop these points that have been set out by the Council.

- (1) the land proposed to be released from the Green Belt here is part of a wider release of non-Green Belt land to deliver development in a sustainable location, around an existing settlement, with the potential to rejuvenate and revitalise the town centre: approximately 48% of the total area of land included for the comprehensive urban extension is currently designated as Green Belt;

In developing point (1) further, in promoting the sustainable development on Paddock Wood it is clear that the benefits to sustainable development would be significantly less if further expansion of Paddock Wood was prioritised on ‘non-Green Belt’ land – this is clearly set out in **CD3.130a (Page 97)**. Given the way that the Green Belt boundary is drawn around Paddock Wood to avoid Green Belt land would result in greater travel distances to the train station and key services in the High Street and would be inconsistent with Paragraph 138 of the NPPF (2021).

Similarly, for the rejuvenation and revitalisation of Paddock Wood Town Centre it is important that the new population (and associated expenditure) is located in close proximity to the Town Centre such that there is a greater likelihood of the regeneration effect being realised. To prioritise non-Green Belt land either in settlements away from Paddock Wood or on the very outer edges of Paddock Wood would likely increase the level of car dependency and decrease the possibility of localised trips for goods and services being realised. The release of Green Belt land to deliver regeneration improvements was recently considered through the allocation of Berinsfield in South Oxfordshire and found sound by Inspector Jonathan Bore (see Paragraph 131 of Inspector Report<sup>2</sup>). The case of Berinsfield, in being allocated for 2,000 homes has parallels to the considerations at Paddock Wood.

Page 14 of the Paddock Wood Economic Opportunities Report (**CD3.66b**) clearly sets out the challenges currently facing Paddock Wood. In addition, as set out in the Sustainability Appraisal (SA) a key objective of the SA is to respond to issues of deprivation. Within **CD3.77I** deprivation scores positively to reflect the substantial regeneration benefit to Paddock Wood Town Centre which contains areas of high-income deprivation. The ability to realise this positive assessment in the SA would not materialise if other land outside of Paddock Wood was utilised.

- (2) through the comprehensive development of this site, and particularly the land to the west of Paddock Wood (i.e. that which would be released from the Green Belt), it has been identified through the Strategic Flood Risk Assessment that there is the potential for the flood mitigation required in association with this development to deliver “betterment” through reduced flood risk to existing areas of Paddock Wood and its surrounds. This requirement is specifically included in the policy, and is considered to make a significant contribution to the exceptional circumstances for the release of this land from the Green Belt;

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<sup>2</sup> <https://www.southoxon.gov.uk/wp-content/uploads/sites/2/2020/11/Inspectors-Report-November-2020.pdf>

In respect of (2) it is important to state that the betterment that would result is a product of the site being allocated for housing development which in effect acts as enabling works to the proposed re-modelling. It would not be feasible for the re-modelling work to be undertaken in isolation from the site being allocated for development.

- (3) Expansion of the town offers opportunities both within the new development and existing development to increase the use of alternative modes of transport (to cars) for local journeys, improve Green Infrastructure and taken together with land at Tudeley there are opportunities to provide significant new highway infrastructure and localised highways improvements.

Akin to the point made in (1) such improvements would not materialise if land was prioritised on the non-Green Belt land further to the east of Paddock Wood. This would likely result in no meaningful improvement to existing services for those living in the west of Paddock Wood. The land to the east is also recognised within the evidence as having more sensitivity in terms of its relationship to the AONB.

Whilst not included in the Council’s evidence, it is relevant to note that the existing boundary between the Green Belt and Paddock Wood on the western approach into the town is abrupt, characterised by a dense housing area. The release of the site from the Green Belt offers the potential for a more logical boundary to be established to the Green Belt which is capable of enduring in the longer term using strong features (in the tree belt and road) which are physical and likely to be permanent.



*Figure 1 – Image of Existing Green Belt Boundary*

We would be grateful if the Programme Officer could confirm receipt of this response.

Yours sincerely,

**Adam Kindred**  
**Director**  
**CBRE Ltd**

cc. Ben Shaw – Senior Planning Manager, Dandara